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9 UNITED STATES DISTRICT COURT
10
11 NORTHERN DISTRICT OF CALIFORNIA

12 WAYMO LLC,

13 Plaintiffs,

14 v.

15 UBER TECHNOLOGIES, INC., et al.,

16 Defendants.

17 Case No. 3:17-cv-00939-WHA

18 **REPLY RE: NOTICE OF
RELATED CASE PURUSANT
TO CIVIL L.R. 3-12;
ADMINISTRATIVE MOTION
TO CONSIDER WHETHER
CASES SHOULD BE RELATED
PURSUANT TO CIVIL L.R. 7-11**

19 Related case: Henley, et al. v. Jacobs,
Case No. 4:18-cv-02244-SBA

20 Richard Jacobs, the defendant in the related case, Henley, et al. v. Jacobs,
21 Case No. 4:18-cv-02244-SBA, opposes the notice of related case and
22 administrative motion filed by the plaintiffs in that action on the grounds of
23 delay. His objections are not well taken.

24 Since filing this matter, counsel for plaintiffs have been diligently
25 attempting to settle a dispute with Uber Technologies, Inc. that relates directly to
26 the allegations in the related case, Henley, et al. v. Jacobs. Unable to reach a
27 resolution with Uber—a defendant in this case—plaintiffs began preparing an
28 amended complaint adding Uber and others as defendants in Henley and adding
several claims relating to matters considered by this Court during the pendency
of this matter. Counsel for plaintiffs then shared a draft amended complaint with
Uber. On July 3, 2018, Uber raised privilege concerns about the contents of the
amended complaint that require judicial attention before the amended complaint

1 can be filed. Hence, the circumstances that give rise to the relationship between
 2 this case and the Henley matter—the imminent amendment of the complaint to
 3 add to Henley a party in this case and additional allegations related to matters
 4 considered and addressed by this Court during the pendency of this matter—
 5 arose recently, and the notice was filed promptly after those circumstances arose.
 6 The delay case cited by defendant is inapposite—the court in that matter denied a
 7 related-case motion filed “[o]ver a year into the litigation, [when] discovery is
 8 well underway, and Judge Conti has already issued a lengthy order dismissing
 9 the First Amended Complaint for failure to plead fraud with particularity.”

10 Rezner v. Bayerische Hypo-Und Vereinsbank AG, No. Nos. C 06-02064. 2009
 11 WL 3458704, at *1 (N.D. Cal. Oct. 23, 2009). Here, the plaintiffs filed their
 12 notice within months of filing Henley, before any motion or answer has been
 13 filed and before discovery has commenced.

14 Contrary to the defendant’s suggestion, the plaintiffs’ notice of related
 15 case specifically identified the “duplication of labor” involved in a new judge
 16 considering matters already extensively considered by this Court in hearings,
 17 depositions, briefing, and orders. Simply put, during this case, this Court
 18 became intimately familiar with the parties and facts underlying the allegations
 19 in Henley, and therefore would not need to expend the time or judicial
 20 resources necessary to learn the underlying facts. Furthermore, during this
 21 case, this Court considered privilege concerns raised by defendant Jacobs in this
 22 case that are similar to those that require judicial attention prior to the filing of
 23 the amended complaint in Henley. A new judge would have to consider Uber-
 24 related facts and privilege issues that were already considered by this Court in
 25 this case. The Court has the discretion to determine whether the duplication of
 26 effort involved in a new

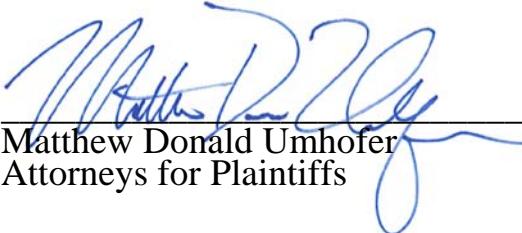
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1 judge familiarizing themselves with these facts and issues already familiar by
2 this Court warrants granting the administrative motion.

3 Dated: July 11, 2018 Respectfully submitted,

4 SPERTUS, LANDES & UMHOFER, LLP

5 By:

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7 Matthew Donald Umhofer
8 Attorneys for Plaintiffs

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